



28 MAR 2007

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SCHIFF HARDIN, LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO IL 60606-6473

In re Application of
KOCH et al.

Application No.: 10/557,693

PCT No.: PCT/DE04/01721

Int. Filing Date: 30 July 2004

Priority Date: 01 August 2003

Attorney Docket No.: PO5,0327

For: MULTIPLE COUPLING CLOSURES AND :
MULTIPLE DOCKING DEVICES CONTAINING :
SAID COUPLING CLOSURES :

DECISION ON

REQUEST FOR REFUND

This is a decision on applicants' Petition for Refund of Application Fee in View of Small Entity" filed on 27 February 2006 in the United States Patent and Trademark Office (USPTO).

Applicant filed a request for refund indicating that applicant qualified for small entity status and requested a refund of \$450 of the basic national fee (\$925), fees paid for independent (\$725) and total claims (\$200) paid on 22 November 2005.

DISCUSSION

37 CFR 1.28(a) provides a three-month time period for requesting a refund of a portion of a large entity fee based on later establishment of small entity status. The start date of the three-month refund period of 37 CFR 1.28(a) is the date the full fee has been paid. See 37 CFR 1.28(b)(1). Payment by authorization to charge a deposit account is treated for refund purposes the same as payments by other means (e.g., check or credit card authorizations), with each being treated as paid (for refund purposes) on the date of receipt in the Office as defined by 37 CFR 1.6. Thus, the date of receipt of an authorization to charge fees starts the three-month period for refunds under 37 CFR 1.28(a), not the date of debit of the fee to a deposit account. See MPEP §509.03.

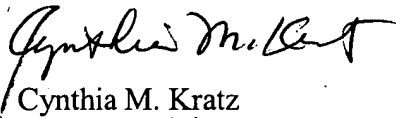
A review of the application file indicates that small entity status was first requested on 27 February 2007. Therefore, the only fees that are entitled to refund based on small entity status are those fees, which were paid on or after that date or within three months prior to that date. On 27 February 2007, a date within the prior three months, the surcharge for filing the oath or declaration after the thirty month period was paid in the amount of \$130. This fee was paid within the prior three months and is entitled to one-half refund. However, all other fees were paid prior to 27 February 2007 and are not eligible for a refund under 37 CFR 1.28(a).

Since the small entity statement, filed on 27 February 2007, is deemed to meet the requirements of 37 CFR 1.27, a refund of \$65.00 of the surcharge pursuant to 37 CFR 1.28 (a) and 37 CFR 1.26 is in order and will be credited to applicant's credit card.

CONCLUSION

For the reasons set forth above, applicants' request for refund filed 27 February 2007 in the amount of \$65 is **GRANTED** and will be credited to applicant's credit card.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Fax: 571-272-0459

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